IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 606 OF 2003

IN

SUMMARY SUIT NO. 728 OF 2003

Polaroid India P.Ltd ......Plffs.
vs.
Nav Nirman Co. and Ors. ......Defnds.

Janak Dwarkadas i/b. Mustafa Motiwala
for the plaintiffs.
Nitin Thaakker i/b. M.R. Dhaneja
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 27th October, 2005.

JUDGMENT :

. Both the parties agree that the present matter is identical to Summons for Judgment No. 604 of 2003. In view of the order passed in Summons for

Judgment No. 604 of 2003 dated 27.10.2005, the present Summons for Judgmetn is also disposed off in the same terms as the order passed in Summons for Judgment No. 604 of 2003. The operative part of the said order reads as under :

(i) The defendant is granted conditional leave to defendant the present suit on depositing Rs.1,60,00,000/- within a period of 8 weeks from today failing which the plaintiff will be entitled to decree. The plaintiff will deposit the keys of the said premises with the Prothonotary and Senior Master within seven days from today. The Prothonotary and Senior Master would keep the said keys in sealed envelope to the credit of the suit. The defendant will be entitled to the said keys on their depositing the said sum of Rs.1,60,00,000/-.

(ii) The plaintiff will be entitled to apply for withdrawal of the said sum of Rs.1,60,00,000/- deposited by the defendant only if they have deposited the keys with the Prothonotary and Senior master inrespect of the said premises. If the amount is so deposited for the time being the office of the Prothonotary and Senior Master to invest in fixed deposit initially for a period of one year and renew the same from time to time. In an event if the plaintiff applies for withdrawal of the said amount and the court grants the same on such terms and conditions as court may deem fit and proper then the Prothonotary and Senior Master, High Court to abide by the said directions.

(iii) If the amount is not so deposited the keys will be retained by the Prothonotary and Senior Master and will be handed over

to the defendant only on the decree being passed and the decree is executed and the amount is so realised.

(iv) If the amount is deposited then suit be transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

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